



<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) 089229.00007
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]		
on _____		
Signature _____		
Typed or printed Name _____		
Application Number: 10/018,502		
Filed: February 25, 2002		
First Named Inventor: Kimmo NARKILAHTI		
Art Unit: 2617		
Examiner: S.K. RAMPURIA		

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- Applicant/Inventor.
- assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under  
37 CFR 3.73(b) is enclosed
- Attorney or agent of record.  
Registration No. 33,125
- Attorney or agent acting under 37 CFR 1.34.  
Reg. No. is acting under 37 CFR 1.34 \_\_\_\_\_

\_\_\_\_\_  
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December 26, 2007  
Date

NOTE: Signatures of all of the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

- \*Total of \_\_\_\_\_ forms are submitted.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Confirmation No.: 2649

Kimmo NARKILAHTI *et al.*

Art Unit: 2617

Application No.: 10/018,502

Examiner: Sharad K. Rampuria

Filed: February 11, 2002

Attorney Dkt. No.: 089229.00007

For: METHOD AND SYSTEM FOR DETERMINING OPERATING MODES OF  
USERS OF A TELECOMMUNICATION SYSTEM

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**December 26, 2007**

Sir:

In accordance with the Pre-Appeal Brief Conference Pilot Program guidelines set forth in the Official Gazette Notice dated July 12, 2005, Applicants hereby submit this Pre-Appeal Brief Request for Review of the final rejections of claims 1-25 in the above identified application. Claims 1-25 were finally rejected in the Office Action dated July 25, 2007. Applicants filed a Response to the Final Office Action on October 17, 2007, and the Office issued an Advisory Action dated December 4, 2007 maintaining the final rejections of claims 1-25. Applicants hereby appeal these rejections and submit this Pre-Appeal Brief Request for Review in view of errors in the rejections.

It is noted that amendments were submitted yet not entered in a Response filed on October 17, 2007. As will be discussed below, these unentered amendments do not change the fact that the rejections contain clear error and should be withdrawn.

Claims 1-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Knight (GB 2327175) in view of Elenbaas (U.S. Patent Publication No. 2005/0028194). The Office Action took the position that Knight disclosed all elements of claims 1-25,

except for teaching classification of users of a telecommunication system on the basis of filtered user-specific information being classified into various classes which are indicative of a user's behavior pattern. Elenbaas was cited as curing the deficiencies in Knight. As will be discussed below, clear error exists in this rejection, and it is respectfully requested that claims 1-25 be allowed.

Claims 2-12 are dependent upon claim 1. Claims 14-18 are dependent upon claim 13. Claims 20-24 are dependent upon claim 19, and claim 25 is independent. A full discussion of the claimed subject matter can be found in Applicants' Response of April 20, 2007. Applicants respectfully submit that the specific defining, filtering, and classifying of the method, system, and devices of the presently pending claims are neither disclosed nor suggested in the cited prior art. The failure of the prior art to disclose or suggest these features is clear factual error which warrants withdrawal of the rejection.

Knight discloses automatic downloading of data according to predicted data requirements. A base station analysis data associated with cause made by users in order to form usage profiles. The profiles are stored in a database, and the profiles are then used to calculate or predict future usage. Speculative connections are made available to specific users at presumably optimum times, in anticipation of demand. A change analyzer can determine a degree of change occurring in data pages, and can decide whether a whole page or just the modifications to the page should be sent to the subscriber. However, Applicants respectfully submit that there is no disclosure nor suggestion in Knight of any method or system which defines variables, filters user-specific information, and classifies users based upon filter user-specific information.

Elenbaas discloses a videotape retrieval system that can enable selection and reception of stories of interest from a video stream. Stories are classified and samples are delivered to match user's preferences. User preferences may include particular networks, individuals, topics, keywords, etc. Key frames of selected stories are sequentially displayed. When the user views a frame of interest, the user selects the story that is associated with the key frame for more detailed viewing.

The Office Action took the position that Elenbaas essentially discloses a classifying feature according to the present invention based upon paragraph 0040 thereof. This paragraph of Elenbaas states that “the classifier 120 classifies these portions using the techniques presented above, the filter 160 identifies those portions that conform to the user’s preferences 191 and the presenter 170 presents the set of key frames 171 from each of the filtered portions 161.” However, it is respectfully submitted that paragraph 0040 of Elenbaas actually discloses that the non-commercial portions of a broadcast channel are classified and filtered based on the user’s preferences. A more detailed reading of paragraph 0040 of Elenbaas makes this very clear. This is quite different from the present invention, wherein users of the telecommunications systems are classified on the basis of filtered user-specific information into various classes indicative of a user’s behavior patterns during use of the telecommunications system, as recited in the presently pending claims. There is simply no disclosure nor suggestion in Elenbaas alone or Elenbaas when combined with Knight, of any sort of filtering and classification according to the present invention. The Office Action is attempting to take an improper hindsight reconstruction of the present invention, based upon the data analysis of Knight, and the videotape retrieval of Elenbaas. A person of ordinary skill in the art in cellular telephony of Knight would not look to the broadcasting network information of Elenbaas to try to develop any system or apparatus which would be in any comparable to the present invention.

Further, Knight and Elenbaas are both targeted to a single user at any point in time. Knight monitors the call data of each user separately, in order to predict future usage of service for that individual user. Knight then initiates actions to prepare data related to the service by the individual user in advance, in order to allow a faster and more efficient provisioning of the service when it is used by the user the next time. Elenbaas selects available data of a service based upon a defined profile for a single user, so that a single user can receive the data that is of interest. The present invention, on the other hand, is directed to a telecommunication system, wherein the data of all users are

collected, filtered, and classified, in order to perform an analysis at the system level and to regulate parameters of the system. System level resources are therefore configured to yield the significant advantages which are discussed in the specification. It is respectfully submitted that it is improper to assert that Knight and Elenbaas could be combined in any way to yield the invention of any of claims 1-25. This impropriety constitutes clear error, and this error requires that the rejection of claims 1-25 be withdrawn.

Reconsideration and withdrawal of the rejections, in view of the clear errors in the Office Action, is respectfully requested. In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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Enclosures: PTO/SB/33 Form  
Notice of Appeal  
Petition for Extension of Time  
Check No. 17785